

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VINCENZO MAZZAMUTO,  
Plaintiff,

v.

UNUM PROVIDENT CORPORATION;  
PAUL REVERE LIFE INSURANCE  
COMPANY; and NEW YORK LIFE  
INSURANCE COMPANY  
Defendants

CIVIL ACTION – LAW

NO. 1:CV-01-1157

JUDGE CONNER

JURY TRIAL DEMANDED

**PLAINTIFF'S THIRD SUPPLEMENTAL PRETRIAL MEMORANDUM**

**B. A summary statement of facts and contentions as to liability.**

Alternative theory of recovery:

Mr. Maxzzamuto purchased “residual disability” as a supplementary benefit rider. The residual disability definition is different than the total disability definition.

(a) Is not able to do one or more of the substantial and material duties of his or her regular job; or (b) directly and apart from any other cause has a loss of income as defined in this rider of at least 20%.

Mr. Mazzamuto has not had any “income” since July 2000.

Respectfully submitted,

ANGINO & ROVNER, P.C.

s/Richard C. Angino

Richard C. Angino, Esquire

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Attorney for Plaintiff

Date: July 16, 2003

**CERTIFICATE OF SERVICE**

I, Richard C. Angino, Esquire, hereby certify that a true and correct copy of the foregoing Plaintiff's Third Supplemental Pre-Trial Memorandum was personally served upon Thomas Henefer, Esquire, defense counsel, at the pre-trial conference on July 16, 2003.

defense counsel

E. Thomas Henefer, Esquire

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Counsel for Paul Revere Life Insurance Company and New York Life Insurance Company

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s/Richard C. Angino

Richard C. Angino

Dated: July 16, 2003